

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

PIRRUNG et al

Atty. Ref.: 1579-373

Serial No.: 09/871,691

Group Art Unit: 1641

Filed: June 4, 2001

Examiner: Tran, M.

For: A METHOD OF ATTACHING A BIOPOLYMER TO A SOLID SUPPORT

* * * * *

DECLARATION UNDER RULE 131

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

We, Michael C. Pirrung, Amy L. Odenbaugh, Richard V.
Connors and Janice D. Worden (formerly Janice D. Davis), do
hereby declare and state as follows.

1. We are co-inventors of the subject matter claimed in
the above-identified application and were working at Duke
University, Durham, North Carolina, at the time that invention
was made.

2. We understand that in an Office Action dated January
13, 2003, the Examiner has rejected claims 1-20 under 35 USC
102(e) as anticipated by Zhao (US Patent 6,448,010). US Patent
6,448,010 derives from Appln. No. 09/678,981, filed October 4,

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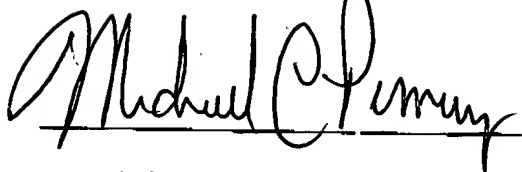
2000, which claims priority from Provisional Appln. No. 60/157,937, filed October 6, 1999.

3. The above-identified application was prepared based on a manuscript that was submitted for publication in the journal Langmuir. The manuscript was ultimately accepted and appeared in Langmuir, volume 16 at pages 2185-2191 (2000). A copy of the article is attached. It will be noted that the article indicates on its face that it was received September 30, 1999. The fact that this receipt date predates the October 6, 1999 filing date of the Provisional Appln. from which US Patent 6,448,010 claims priority clearly establishes invention of the subject matter of the rejected claims prior to the earliest possible effective date of US Patent 6,448,010.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Further, declarants sayeth not.



Michael C. Pirrung

4/8/03

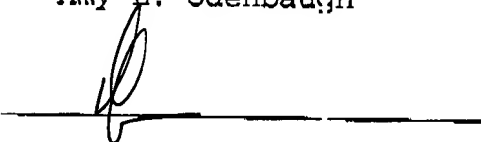
Date



Amy L. Odenbaugh

4/10/03

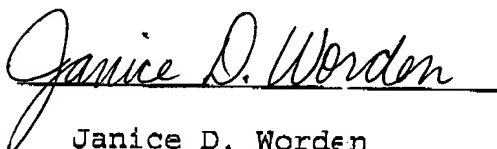
Date



Richard V. Connors

4/14/03

Date

Janice D. Worden
(formerly Janice L. Davis)4/10/03

Date

MJW:tat

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